In the High Court of Judicature for Rajasthan
At
Jaipur Bench, Jaipur

O R D E R

In

S.B. Criminal Misc. Bail Application No.7195/06
Mahesh Kumar Saini and another Vs. State of Rajasthan

Date Of Order :: 20th November, 2006

Hon'ble Mr. Justice Jitendra Ray Goyal

Mr. Jai Raj Tantia, counsel for petitioners.
Mr. R.P. Kuldeep, Public Prosecutor for State.

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Heard learned counsel for accused petitioners, learned Public Prosecutor for the State, perused the case diary and other material including the cross FIR, medical papers, admission and discharge record of the accused petitioner Mahesh Kumar.

Learned counsel for accused petitioners contended that accused petitioner Mahesh Kumar is running a juice center, the complainant along with his friends came with the intention of robbery the cash from his cash box armed with deadly weapons sword etc. It is also submitted that the complainant Sarvesh Pareek snatched the money from the cash box and also attacked the accused petitioner Mahesh Kumar by sword, thereupon crowd from the neighboring shops came for his rescue and some persons from the crowd in the attempt to rescue the accused petitioner gave beatings to the complainant Sarvesh Pareek. It is also submitted that cross FIR has also been registered and the accused petitioner was admitted and operated in the SMS hospital, Jaipur. It is also

submitted that according to the opinion of the doctor none of the injuries received by the complainant was of dangerous to life.

Learned Public Prosecutor opposed the bail application.

Without making any observation on merits, having considered the rival submissions made at the bar, nature of injuries to the complainant as well as accused petitioners, their medical treatment, record and the cross FIR which was also registered against the complainant party for the offence under section 307 IPC and all other facts and circumstances, I deem it proper to grant the benefit of pre-arrest bail to accused petitioners Mahesh Kumar Saini and Sanjay Kumar Saini.

In the result, the bail application is allowed and it is directed that in the event of arrest of petitioners Mahesh Kumar Saini S/o. Satya Narayan and Sanjay Kumar Saini S/o. Ramesh Saini, they shall be released on bail by the concerned SHO/Investigating Officer in FIR No.102/2006 registered at Police Station Nahargarh Road, Jaipur provided each of them furnishes a personal bond in the sum of Rs.10,000/- together with two sureties each in the sum of Rs.5,000/- to his satisfaction on the following conditions :-

1. that the petitioners shall make themselves available for interrogation by a police officer as and when required;
2. that the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or any police officer; and
3. that the petitioners shall not leave India without previous permission of the Court.

(J.R. Goyal),J

VS Shekhawat/-
Jr. P.A.